

REMARKS

The Office Action has rejected Claims 20, 21, 25-34, 56, 63-67, 73-103 under 35 U.S.C. § 101. In addition, it has rejected Claims 20, 21, 25-34, 56, 63-73 and 73-103 under 35 U.S.C. § 112, first paragraph.

Applicant has amended the claims, which when considered with the comments hereinbelow is deemed to place the present case in condition for allowance. Favorable action is respectfully requested.

Applicant has amended Claims 20 and 86 by deleting the term “or prophylaxis”. In addition, applicant has amended Claims 20 and 86 by defining Z as additionally including “S”. Support for the definition of Z being S is found on Page 16, Line 32 and Page 17, Line 34 to Page 18, Line 3 of the instant specification.

No new matter is added to the application.

Pursuant to the rejection of the pending Claims under 35 U.S.C. § 101 and §112, first paragraph, the Office Action alleges that it does not believe the compounds described in the instant application are useful for the prophylaxis of migraines. Applicant incorporates by reference the arguments provided in the Amendment dated February 27, 2006. Nevertheless, to advance prosecution, the term “prophylaxis” has been deleted from the claimed subject matter. Applicant, however, has not abandoned this deleted subject matter, but reserves the right to file a continuation application directed thereto.

Nevertheless, the deletion of the term “prophylaxis” renders the rejections of the claimed subject matter under 35 U.S.C. § 101 and 112, first paragraph, as moot. Withdrawal thereof is respectfully requested.

In view of the Amendment to the Claims, and the Remarks herein, it is respectfully submitted that the present case is in condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark J. Cohen". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark J. Cohen
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